

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JERROLD EUGENE DUBOSE,

Plaintiff,

-against-

DR. BRIAN BELFI; TOMRUL TUREL; DR.  
M.; MS. TRINCHER, SOCIAL WORKER; A.  
JONES; DIR. PSYCH., BELLEVUE HOSP.;  
MICHELLE CLIFFORD; RISA PROCTON,

Defendants.

20-CV-0424 (CM)

ORDER DIRECTING PRISONER  
AUTHORIZATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently detained in the George R. Vierno Center (GRVC) on Rikers Island, brings this action *pro se*.<sup>1</sup> To proceed with a civil action in this Court, a prisoner must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request permission to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application and a prisoner authorization. *See* 28 U.S.C. §§ 1914, 1915. If the Court grants a prisoner’s IFP application, the Prison Litigation Reform Act requires the Court to collect the \$350.00 filing fee in installments deducted from the prisoner’s account. *See* 28 U.S.C. § 1915(b)(1). A prisoner seeking to proceed in this Court without prepayment of fees must therefore also authorize the Court to withdraw these payments from his account by filing a “prisoner authorization,” which directs the facility where the prisoner is incarcerated to deduct

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<sup>1</sup> At the time Plaintiff filed this complaint, he was in custody at the Kirby Forensic Psychiatric Center, but it was unclear if his custody was with respect to a criminal case, although in his complaint he mentions a criminal case in Brooklyn, New York, under indictment number 254/2012. (*See* ECF No. 2 at 15.) A search on the New York City Department of Correction website reveals that Plaintiff is detained in GRVC pursuant to indictment number 254/2012.

the \$350.00 filing fee<sup>2</sup> from the prisoner's account in installments and to send to this Court certified copies of the prisoner's account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b).

Plaintiff submitted an IFP application but did not submit a prisoner authorization. Within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees or complete and submit the attached prisoner authorization. If Plaintiff submits the prisoner authorization, it should be labeled with docket number 20-CV-0454 (CM).<sup>3</sup>

The Clerk of Court is directed to mail a copy of this order to Plaintiff (B&C No. 895202363) at GRVC, 09-09 Hazen Street, East Elmhurst, New York 11370, and note service on the docket. The Clerk of Court is further directed to mail a change of address form with this order. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

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<sup>2</sup> The \$50.00 administrative fee for filing a civil action does not apply to persons granted IFP status under 28 U.S.C. § 1915.

<sup>3</sup> Plaintiff is cautioned that if a prisoner files a federal civil action that is dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, the dismissal is a "strike" under 28 U.S.C. § 1915(g). A prisoner who receives three "strikes" cannot file actions IFP as a prisoner, unless he is under imminent danger of serious physical injury, and he must pay the filing fee at the time of filing any new action.

*Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: May 14, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge